

Entry of the proposed Amendment and reconsideration of the above-identified application is respectfully requested in view of the following remarks.

REMARKS

The specification has been amended at page 4 to correct the spelling of “hypoxanthine”.

Claim 1 has been amended to state that the pigment is derived from fish scales. This is clearly supported in the specification at page 2, line 1 and page 5, lines 10-15.

Claim 2 has been amended to state that the pigment comprises guanine. The claim thus has been amended to delete the term “hypoxanthine”.

Applicant notes with appreciation that the obviousness-type double patenting rejection set forth in the Office Action of July 25, 2006 has been withdrawn.

Claims 1-20 have been finally rejected under 35 U.S.C. 112, first paragraph as being non-enabling in that the specification does not reasonably provide enablement for the pigment being a mixture of guanine and hypoxanthine. Applicant strongly disagrees with the Examiner that the specification does not support the fact that the pigment would comprise a mixture of guanine and hypoxanthine. It is believed that the pigment of this invention is specifically described not only at page 1, lines 9-13 but also at page 4, lines 15-17. Regardless, claim 2 has been amended to

recite that the pigment comprises guanine which is believed to be explicitly supported throughout the application. Accordingly, it is respectfully requested that the rejection be withdrawn inasmuch as the claimed invention is not specifically recited as containing hypoxanthine. Clearly claim 2 would support the treatment of any natural pearlescent pigment which contains guanine. Inasmuch as the fish scales also contain hypoxanthine, it is not believed that the limitation to claim 2 in any way limits the claimed invention as originally set forth.

Claims 1-20 have finally been rejected under 35 U.S.C. 103 as being unpatentable over Hoercher, et al. (U.S Patent No. 4,966,734). The rejection is respectfully traversed. The Examiner is again kindly invited to the discussion of the rejection at pages 2-4 of applicant's response filed on October 10, 2006. Applicant further notes that claim 1 has been amended to state that the process involves deodorization of pigment derived from fish scales. Hoercher, et al. is not directed to the deodorization of a pigment, but is concerned with deodorization of an ester derived from fish oil. Inasmuch as the term "pigment" in claim 1 denotes a solid material, it is not seen how the process as set forth in Hoercher, et al. is at all pertinent to the claimed invention. The Examiner makes the statement that "the carbonyl compounds which cause fish odor in the instantly claimed fish derived pigment are the same carbonyl compounds of the fish oil from the prior art". The Examiner provides absolutely no support what so ever for this statement. In fact, the specification states that it is believed that the odor caused by the fish pigment of the present invention is from amine compounds, column 10, lines 8-14. The Examiner

has cited no evidence that the odor derived from the fish scales is the same odor of a fatty ester derived from fish oil which is the concern of Hoercher, et al.

All the other differences of the claimed invention and the disclosure in Hoercher, et al. are simply dismissed as obvious. For example, the non-obviousness of weak acid claimed in claim 7 is now a burden on applicant to prove even though the applied reference discloses only sulfuric acid, an acid specifically taught away from in the instant disclosure, page 10, lines 15-21.. The Examiner admits that Hoercher does not teach sodium borohydride in powder form. The Examiner admits that Hoercher does not teach all the instant claim percentages. Anytime there is a difference between the claimed invention and that of Hoercher, the Examiner simply says it is a burden on the applicant to show an unexpected result. The Applicant strongly disagrees. Hoercher is concerned with a totally different process than that claimed. The claimed invention is directed to deodorizing a pigment derived from fish scales. Hoercher, et al. is concerned with deodorizing fatty ester mixtures derived from fish oil. The Examiner has provided absolutely no connection between the odor in the fatty ester mixture derived from fish oil of Hoercher to the odor derived from fish scales. The only connection that Hoercher has with the claimed invention is that the fatty ester which is treated is obtained from fish oil. This slight connection of Hoercher with the claimed invention is certainly not significant to argue that it would be obvious to one of ordinary skill in the art to treat the pigment derived from fish scales, (a solid) with a borohydride as in the applied reference to treat a liquid. Hoercher further does not teach or discuss how the borohydride treatment may affect the quality of the pigment.

While the Examiner states that the invention as originally claimed as treating a "pigment derived of fish" is extremely broad, applicants' note that a pigment is a solid material and clearly would not be remotely equivalent or obvious to the fatty acid ester derived from fish oil as in the reference. Further, claim 1 has been amended to state what was believed inherent in the original claim, that the pigment is derived from fish scales.

In view of the above remarks, it is believed that claims 1-20 patentably distinguish over the art of record. Applicant respectfully requests favorable action on these claims. If the Examiner maintains the Final Rejection, it is requested the amendment be entered for the purpose of appeal.

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Date

Respectfully submitted,



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